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June 14, 2021

**BY EMAIL TO *seth.kosto@usdoj.gov*
[ELCTRONICALLY FILED ON CM/ECF]**

AUSA Seth Kosto
U.S. Attorney's Office – D. Mass.
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210

**Re: Request for Additional Discovery
U.S.A. v. Harville / U.S.A. v. Baugh
U.S.D.C. (D. Mass.), Case No. 1:20-cr-10263-PBS**

Dear AUSA Kosto:

On behalf of defendant David Harville, and in accordance with Local Rule 116.3 and Fed. R. Crim. P. 16, we respectfully request the additional discovery listed below provided it is in the possession, custody and/or control of the Government. Please note that the attorneys of record for defendant Jim Baugh are copied below, and join this request.¹

1. All communications, documents and statements provided to the Government either directly by eBay, or by anyone acting on eBay's behalf (e.g., corporate counsel, outside counsel, etc.) concerning the subject matter of the indictments in the above-referenced matter.
2. All "302" reports created by the Government concerning the subject matter of the indictments in the above-referenced matter.
3. Documents and statements upon which the Government relies concerning the "official" proceeding and "federal" investigation elements of 18 U.S.C. § 1512 and 18 U.S.C. § 1519, respectively.
4. Pretrial production of *Jencks Act* material concerning the subject matter of the indictments in the above-referenced matter. At a minimum, we request *Jencks Act* material for all unindicted co-conspirators identified under "Section E"

¹Under L.R. 116.3(h), counsel for the co-defendants communicated concerning the within request. Mr. Baugh's attorneys anticipate serving a separate letter. As of the date of this letter, the within requests are common to both defendants.

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(“Unindicted Coconspirators under Local Rule 116.1(C)(1)(e))” of the Government’s discovery disclosure letter dated December 21, 2020. Early production of *Jenks Act* material in advance of trial is important in this particular case given the number of individuals involved and the volume of discovery. Therefore, it would be prejudicial to defendants to first access *Jenks Act* material so close in time to witness testimony should this matter proceed to trial. Moreover, it is difficult to craft a more specific request without access to the “302” reports.

5. All email correspondence sent to and received from the email address *lawenforcement@ebay.com* concerning documents, statements and information the Government intends to introduce should the above-referenced matter proceed to trial.

Thank you for your time and attention to the foregoing request.

Respectfully,

/s/ Daniel K. Gelb

Daniel K. Gelb

cc (by CM/ECF): Jonathan M. McDougall, Esq. (counsel for D. Harville) (*pro hac vice*)
William W. Fick, Esq. (counsel for J. Baugh)
Daniel N. Marx, Esq. (counsel for J. Baugh)

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on June 14, 2021, this document was electronically filed with the Clerk of Court for the United States District Court for the District of Massachusetts using the CM/ECF system, which will send a notice of electronic filing (NEF) to all registered participants in the above-captioned action.

/s/ Daniel K. Gelb

Daniel K. Gelb, Esquire